

Sup THE *David*
1792
T R I A L S
Of all the
P I R A T E S

AT THE
Admiralty Sessions at the *Old-Bailey*; with
the remarkable Trial of Capt. *Joseph Halsey*,
for the Murder of two of his Sailors; with his
Behaviour, Confession, and Dying Words, at
the Place of Execution, *March 14, 1759.*



L O N D O N:
Printed for S. BAGNALL, in *Shoe-Lane.*

THE
T. R. I. A. L.
O. F.
P. I. R. A. T. E. S.

AND
A
HISTORICAL
AND
CRITICAL
EXAMINATION
OF
THE
LIVES
AND
WRITINGS
OF
THE
AUTHORS
OF
THE
P. I. R. A. T. E. S.



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THE TRIALS, &c.



At a Session of the High Court of Admiralty held at Justice Hall in the Old Bailey, on Friday the 9th, and Saturday the 10th Days of March, three Persons were capitally convicted, viz. *Nicholas Wingfield*, and *Adam Hyde*, two Captains of Privateers, for Robbery and Piracy on the High Seas; and Captain *Joseph Halsey* for the barbarous, inhuman Murder of two of his Sailors on the High Seas.

The council in support of the indictments against all the prisoners, were his Majesty's Attorney and Solicitor-general, *Mr. Gould*, Dr. *Betresworth*, his Majesty's Advocate, *Mr. Hussey*, council to the Admiralty, and *Mr. Stow* and two other gentlemen were for the prisoners.

Thomas Lewis, a captain of a privateer, was indicted for principally and with force and arms boarding

boarding a *Hamburg* ship on the high-seas near *Dover*, and stealing thereout five bags of *Indigo*, value 100 l.

John Heyer, captain of another privateer, was indicted for the said fact, being present at and aiding and assisting in the said robbery and piracy.

The captain of the *Hamburg* ship deposed that his ship was boarded by the two prisoners at the bar, at the head of a great number of their ship's crew, who beat and cruelly used his people, and after rummaging his vessel. they took away the goods mentioned in the indictment.

The prisoners in their defence said, that as captains of privateers they had an authority to search ships of all nations; it being well known that *Dutch*, *Danish*, *Hamburgers*, and many other nations, carried on an unlawful trade with the *French*; and that the *Indigo* which they found being *French* property, they had a right to seize it. Several gentlemen of credit gave the prisoners the best of characters, and the *Indigo* being proved to be *Dutch* property, they were both acquitted.

Nicholas Wingfield, *Thomas Kent*, *Thomas Wingfield*, and *Adam Hyde*, were indicted for stealing twenty Firkins of butter from out of a *Dutch* Vessel near *Dover*, bound from *Iceland* to *Bremen*, when after a trial of three hours, *Nicholas Wingfield* and *Adam Hyde*, the captains of the two *Dover* Privateers, were each of them capitally convicted for stealing ten casks of the said butter, and received sentence of Death.

William Luer was indicted for the murder of a female *Negro* child by throwing it into the sea.

It

It appeared to the court, by the evidence of a sailor, that the prisoner was mate on board a ship that traded to *Guinea* for slaves, and a dispute arising between the prisoner and another seaman whose property the child should be, the prisoner in a passion took up the child by its legs and threw it into the sea, and so ended the dispute.

The prisoner in his defence called the surgeon of the ship who swore that the child could not have lived many hours, and that the Captain ordered it down to be taken care of among the Negroes, after the decease of the mother, but they like true savages refused to admit it among them, which made the captain give the above order, the jury brought him in Not Guilty.

Joseph Halsey was indicted, for that he, not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil, did wilfully and maliciously kill and murder *John Edwards* and *Daniel Davison*, two of his seamen, by violently and cruelly beating them with a pitch-mop, a handspike, and other offensive weapons; so that after languishing some few days, they died of the cruel usage they received from the prisoner.

To this indictment the prisoner pleaded Not Guilty, and for his trial put himself upon God and his Country.

To support the indictment, three men were sworn, viz. *Thomas Simms*, *William Mitchell*, and *Simon Buzarro*, three of the ships crew, who in the course of their Evidence, deposed, that *Joseph Halsey* being commander of the *Amazon* merchant ship, sailed from *Jamaica* for *London* in the month of *June*, 1758, and *Edwards* and
Davidson

Davidson wete two of his sailors, and being taken very ill, they could not stand at the pump. Capt. *Halsey* said to *Edwards*, you Dog, you pretend to be very ill, but you shall work, or you shall not eat. *Edwards* replied, dear Captain, I cannot work, for I am so very ill that I cannot stand on my legs, and I humbly beg you would excuse me, for there are other men very willing to do my duty. The captain swore that the deceased should work if he was to die by inches, and beat him most cruelly with a handspike over the head, body, arms and legs, of which wounds and bruises the deceased languished four days and then expired.

When the prisoner Capt. *Halsey* was told that poor *Edwards* was dead, he said, if the fellow is dead, throw him overboard this minute, for just now I saw a Shark along side, and he'll make a fine dinner for the poor creature. Several of the sailors refused to throw the deceased overboard until the funeral service was read over him, on which the Capt. said, D——mn him I'll send him to *Hell* in a hurry, and immediately threw him overboard himself. Two of the seamen had the resolution to tell the Captain, that he would certainly suffer for this cruel behaviour when he came to *England*. His reply was, you rascals, what do you mean, I'd serve you all in the same manner if you behave saucily to me, and immediately struck several of the crew, and was in so violent a rage, that none of them dared to come near him for some time, nor to mention it any more to him, but all agreed among themselves to have him secured when he came to *England*.

The

The murder of *Davidson* was far more inhuman than that of *Mr. Edwards*; he had taken a great dislike to *Mr. Davidson* for affronting him when he was Mate to the deceased Captain *Gallop*, who was a worthy good natur'd man in all respects.

By Capt. *Halsey*'s cruel usage the unfortunate *Mr. Davidson* died by inches, for he would not allow him either bread or meat for three days together. He refused him even his allowance of water, so that he was almost parched to death, it being in the month of *June*, and in a very sultry climate. It appeared on the trial, that when *Davidson* was ill of a Fever, *Halsey* ordered him to the pump, and when he was almost spent with fatigue in pumping, he then ordered him to the helm. The deceased begged of the Captain to let him have a little rest, for God's sake. The Captain's reply was, no *D—mn* you, you shall stand there you rascal.

When the Captain had turn'd his back, the unhappy wretch finding himself unable to stand, in a rage and agony, threw himself into the Sea, determining to end his miserable life. The Captain being told of this, immediately took a rope in his hand, and jump'd into the Sea after him, put it round his middle, and by the assistance of some of the seamen dragged him on board again. The deceased lay some time on the deck gasping for life, and when he was a little recovered, and able to speak, the Captain asked him what was the matter with him? His answer was, Sir, I am almost dead. You lie, rascal, said the Capt. you have attempted to drown yourself, but I'll have a little more sport with you before you croak.

A day

A day or two after this, the Captain ordered the deceased up to the pump, when he was so ill that he could hardly stand, and swore that he should work dead or alive. And the prisoner finding he could not work, was so barbarous as to give him three or four blows on the breast with a pitch-mop, and the deceased fell down on the deck for dead. *Halley* then kicked him, after which the poor man crawled down to the steerage, and was found dead the next morning: his body was bruised to a mummy, and no poor wretch ever suffered a greater punishment, or a more cruel torture than this poor man: the very morning that he died, as soon as *Halley* was told of it, he threw him overboard, saying *D—mn* the rascal, there he goes. None of the crew durst say a word to this monster in nature, he being of such a savage disposition, that every man that opposed him, or disobeyed his orders, was sure to meet with barbarous usage: for it appeared on the trial, that when the two men that he had used so barbarously were dying, he swore that they only *shamm'd Abraham*. To prove what is before-mentioned the following Witnesses were called and examin'd apart.

Symmes. I was a sailor on board the *Amazon*, captain *Gallop*, commander.

Q. Who was mate?

Symmes. The prisoner at the bar, *Joseph Halley*.

Q. When was you on board that ship? and how many were there of the crew?

Symmes. It was in the Year 1758, and the crew consisted of the captain, the mate, four men, myself and a little boy. We came from Jamaica

in

in about two months and a half, our vessel began to be leaky when we first set out from thence.

Q. Was you obliged to pump the ship very much during the Voyage?

Symmes. Yes; at first we let the pump stand two hours, then an hour, then half an hour, and at last not at all, we could hardly keep her free.

Q. Did any of your men fall sick?

Symmes. Yes: *John Edwards* and *Daniel Davidson*, they began to grow weak.

Q. Did you all take your turns at the pump?

Symms. We did.

Q. What were the four mens names?

Symms. *John Faber*, *Daniel Davidson*, *Robert Green*, and *John Edwards*, *Edwards* was in *Halsey's* watch.

Q. Was the captain sick?

Symmes. He was.

Q. Who took the command then?

Symmes. The prisoner *Halsey* did.

Q. Was it his duty to keep you constantly at the pump?

Symmes, It was.

Q. Did *Edwards* and *Davidson* keep constantly to it?

Symmes. They did as long as they could, but there was so little provision that they grew weak and when they could not pump the prisoner lick'd them.

Q. What do you mean by lick'd them?

Symmes. That is, he struck them with the end of the main-gallant clue-line, because they could not pump as fast as he.

Q. Were you in company with a fleet?

Symmes. We were.

Q. Why did he not get assistance?

Symmes. He would not. Captain *Ball* asked him why he did not get hands out of the man of war? the mate said he would not.

Q. Who is Captain *Ball*?

Symmes. He belongs to *Bristol*.

Q. Did he assign any reason why he would not?

Symmes. He said he had no cloaths fit to go on board of a man of war in; Captain *Ball* said he would lend him either long or short clothes, but he would not have them; he said also he would hoist his boat out for him to go in, but he would not go.

Q. Did he apply at all for assistance to the Captain of the man of war?

Symmes. He did, after *John Edwards* was dead and flung overboard, but not before.

Court. Confine yourself to *Davidson* only.

Symmes. *Davidson* could not pump so long as others, and the mate allowed him but a bottle of water a day, and he allowed us three; and five pounds of bread each, when he gave *Edwards* and *Davidson* between them, but five pounds.

Q. For how long was that to last them?

Symmes. That was their week's allowance; one night the mate brought *Davidson* up on the deck, and made him stay there almost all night in the rain, before he would let him go down.

Q. How long was that before he died?

Symmes. That was two or three days, I believe, before.

Q. How did the mate lick him, as you call it?

Symmes,

Symmes. He used to call them and make them stand to the pump as well as they could, but the pump was so hard that they could not pump so fast as the rest, and he used to lick them, and make them stand to it, with a clue-point.

Q. Did he beat *Davidson* thus often?

Symmes. He did, several times, for two or three days, and *Davidson* said if he did not leave off beating him so, it would kill him, he could not live; *Edwards* said the same too when he was beat, I heard him; *Davidson* once jump'd overboard because he would not be lick'd so.

Q. How long before his death?

Symmes. It was a week before his death, he had licked him at the pump, and *Davidson* said if he would not put him on board a man of war, but would lick him so, he would put himself out of the way, he said he had rather drown himself than be lick'd to death.

Q. Was the prisoner better after that?

Symmes. He was for a day or two; then he began to lick him again and make him pump, seeing him a little stronger. When he got hands from the man of war, he let him alone for a day or two, he got him up again, and made him stand with a pitch mop upon the deck against the rail, by the quarter-deck.

Q. What did he do that for?

Symmes. Because he could not pump; he made him hold it as a soldier does a gun, after that he used to beat him with his fist, or any rope that lay near him.

William Mitchell's evidence was to the same effect with the foregoing.

Simon Basoro likewise confirmed the same, and said

did that he believed the blows he received from the prisoner with the pitch mop hasten'd his death, for that after them he lay down, and was never able to walk more, but died in a few hours.

The prisoner was then called on to make his defence; but he could only say, that what was sworn against him was all false; my lord was then pleased to sum up the whole evidence to the gentlemen of the jury, who, without going out of court, found the prisoner guilty of wilful murder. Death. And immediately the common hangman went to the bar, and tied the prisoners thumbs with a piece of whip-cord: then the judge proceeded to pass the sentence on him, that he should be hang'd on *Monday* the 12th day of *March*, 1759, at *Execution-Dock* in *Wapping*; but as the tide did not properly serve on that day, he was respited to the *Wednesday* following.

The evidence of *Simon Bazzaro*, the *Italian* seaman, put aboard the *Amazon*, from the *Sphinx* man of war, after the death of *Edwards*, tho' nothing material appeared in court to impeach it, yet it is said to be much aggravated above what he swore before Sir *William Richardson*, the justice who committed the prisoner.

On laying the whole evidence together, the jury, it is said, were inclined to bring him in guilty of *manslaughter* only, but being informed by the court that they must find him *guilty* or *not guilty*, he was brought in *guilty*, which verdict some finding reason to be dissatisfied with, whether from the reflection on what they heard in court, or what they heard afterwards, (which indeed strictly was no evidence) they met all together

gether, with a view to apply for mercy in the prisoner's behalf, on the day before his execution; but not agreeing in their opinions, nothing was done.

Saturday March 10, Joseph Halsey having sentence pronounced on him to die on the 12th, according to a late act of parliament, there was no time to be lost in preparing him. He was therefore visited this evening, and earnestly applied to in order to give him a sense of his situation; presenting to his thoughts the tremendous, and all searching judgment of God, and exhorting him instantly to prepare himself by *true repentance* and a *lively faith*, and especially by acknowledging his crimes, and the justice of his sentence. But he persisted to assert, that he was as innocent as a child of the murders laid to his charge, and that the witnesses had sworn falsely against him. He earnestly wished his Majesty King George knew his innocence, and asked, is there no way of making it known to him, and getting off his sentence? He was convinced by many reasons of the great difficulty, if not impossibility of this; that his trial was over, and *his lot cast*, and now fixt as doomsday; and that he should turn his whole thoughts and attention to that only. He ask'd, if innocent, why he seem'd so easy, and unconcerned, and resolute on his trial; and why he did not make a better defence? He answered that knowing his own innocence, *he trusted in God* that they should not be able to hurt him. This he spoke with such an air of integrity, and apparent honesty, as it must be owned, gave him a different turn in his favour, from the light he appear'd in during his trial.

He declared in the most positive terms, as if he were to die that instant, that he never struck any man with a handspike in his whole life; and he took pains several times to explain the difficulty and improbability of striking with a handspike, being all lashed down under the long-boat, during a voyage; besides, that it is too heavy and unwieldy to strike with. That the boys who witnessed this against him, had been tutored and told by a certain person, that if they did not mention this, or some unlawful weapon used by him against the deceased, in correcting them, he could never be committed to prison: which they had all agreed he should be, for their own reasons. That the short defence he made in court, was strictly true, *viz.* "That he never struck one of them, but about four blows to one, and twelve blows to another, for not pumping when they were able." And that the ship must sink if he had not obliged them by proper correction to pump; that the master Capt. *Gallop*, being sick, and the care and command of the ship left to him, he could not bear the reproach of letting her founder, and the crew perish with her, for want of carrying a proper command; supposing he himself might have escaped in the long-boat, and got to another ship in the fleet; what would the other captains have said to him in that case? That as to the short allowance he was charged with confining the deceased to, he had given 'em all that was ordered them by the captain; who came out of *Jamaica* with about five weeks provisions, which *Halsey* told him, and blamed him for it; the whole fleet also being short; and had long passage of twelve weeks.

It must be owned then, that the negative arguments against the veracity of the witnesses, may seem now to carry some weight with them. For if one murder, much more, if two, were actually committed in a ship, in company with a large fleet of merchantmen, under convoy of two of his majesty's ships, with some of whom they had intercourse more than once, and might have daily, why did they not accuse, arrest, and confine the murderer, and bring him home in irons, placing another commander in his stead? for if they then knew, and believed he had murdered two of the crew, Capt. *Gallop*, or they, should, nay they must have done thus much for their own safety, tho' they disregarded justice, and the cry of blood. But if they had not then sufficient reason to know, and believe him guilty of these murders, when the death of them was recent, 'tis impossible any new reason for this charge could have risen afterwards, nor is it pretended.

Or if they could not spare this cruel and bloody commander till he brought the ship to port, why did they not impeach him at *Plymouth*, during two or three weeks stay there? or, at worst, why not in the river as soon as he arrived? why silent about this for some weeks? till having corrected the two boys the witnesses, and had a quarrel with the lumper, this prosecution was manifestly set on foot by them. Or, on his part, if he were conscious of his guilt, and that there were three or more witnesses on board with him who could prove it, why did he not flee and escape, as he easily could, from *Plymouth* or *London*?

son? why, on the other hand, did he behave himself so unreserved and fearless in his duty aboard, as to correct these boys, and dispute with others here in the river?

Notwithstanding these appearances, or perhaps surmises in his favour, he was all along applied to by the Ordinary, as a person who must be taken for guilty, to guard against the worst.

Therefore when call'd up to chapel on Sunday morning, he was again applied to, in order to move him to a sense and confession of his guilt, from *Gen. ch. ix. v. 2—6.* shewing the tender care and bounteous provision of the creator for the life of man above all other creatures, and his sure vengeance on the shedder of his blood *The fear of you, and the dread of you shall be upon every beast of the earth,—fowl of the air,—fishes of the sea, into your hand are they delivered. Every moving thing that liveth shall be meat for you.—And surely your blood of your lives will I require.—Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.*

Proper portions of holy writ were enlarged on, and applied to him, with true zeal and hearty concern for his salvation, which he seemed deeply sensible of: but instead of producing a confession, he answered me again and again, you would not have me confess what I am not guilty of, and put into my hand a written paper in the following words:

I never struck a man with a handspike. I never struck a man with the main-sheet, I never struck a man with a mop. I never struck a man with a bowlin. I never said, a man than'd Abraham.
I never

I never said, when he (i. e. Daniel Davidson) was over-board, I'll torment him, but jumpt over-board after him as fast as possible, and got him on board. And I never hindred him from going down below. But as God is my judge, I never used anything to lick them with, but the main-top-gallant clew-line, (N. B. this is said by seamen to be small cord, rather soft than hard) and one day with a half made point, one blow or so. And I never hindred him from as much provision as Captain Gallop ordered; and I never tied him up to lick him in my life, and all this is swore false against me as God is true.

Having read this, he was asked, whether he had deliver'd this paper to the court before-sentence? he said, he had not, However, being again press'd and applied to with all imaginable motives to a true confession of his guilt, if guilty he answered, that being now past all hopes of pardon or respite, he was under no temptation to deny the truth, being convinced it could not hurt him, but he persisted to assert his innocence in the most solemn manner, upon all the hopes of his salvation, as a dying man.

He, with the other prisoners, was visited again for two hours on *Sunday* afternoon; and so twice daily till the morning of his execution. But as he expected to die on *Monday* the 12th, according to his sentence, he wrote a letter to his mother on the 11th, which he delivered to a friendly Captain, to be forwarded to her, but who, for the satisfaction of the publick, has permitted it to be printed; and I can attest it to be in the same hand-writing with the aforecited paper, he delivered with his own hand.

March 11, 1759.

Dearest dear and dutiful Mother,

A M very sorry to let you know, that I am forced to depart this life; I was tried yesterday by the court of admiralty for my life, and am to die to-morrow, and all by Simmes's son and another boy, and an Italian, by false swearing against me, and has swore against me as false as God's true, and he has took pleasure in taking away my life; don't make yourself uneasy, for God's sake, mother, I am going out of the world a little sooner for it, and I am in hopes to rest with my Maker, for ever and ever, time without end. This world is only a small space of time for man to dwell in, and as I die innocent, I hope God will find me rest. And mother I am in hopes to meet you in heaven, and my father, brother, and sisters, and all. If Captain Gallop had lived, this never would have been, for it was as much as I could do to keep the vessel above water, and expected every moment when to go down to the bottom, and I had only one man in my watch,
and

and we used to take it turn and turn about
and at this time, these people were as able
to pump as we, and as they would not,
struck them with the main-top-gallant clew
and that is all that ever I did to them.

Five or six weeks after that they sickened
and died with their own distempers.—
We were arrived seven weeks before ever
such a thing was mentioned, and all contrived
by a lumper and Simmes's son—
have been in the New Goal ever since November
last, and am now in Newgate in
the cells, where all condemned people are.
—There is nobody knows, but God alone
what I have suffered, and now am a going
to a place of rest I hope. I would have my
sisters and brother, and all of you consider
of a future state, and live in the fear of
God, for you don't know how soon God will
call you to an account for all your transgressions,
and if any of you live long enough in
this world, you will see the curses of God
Almighty follow Simmes's son, for false-
swearing away my life: I am very sorry
mother, to think I should be call'd so soon
out of this world by an untimely end, for I
had always hopes of helping you, and should
have done very well, had it not been for
these rogues.—It has cost me all my wages,
venture, and life.—Don't make yourself
uneasy, for it cannot be help'd; I'll send
you

you home my shirts, buckles, and Hat.
remember me to, &c.

So no more from your poor and unfortunate
in this life.

Joseph Halsey.

He was born of creditable parents, at *Boston*,
in *New-England*, who gave him a decent and re-
ligious education, to which were added such in-
structions as qualified him for the sea, which he
followed about ten years, being now about
his 23d year. He had been but one voyage to
London before this, about seven years ago. His
father was a mathematical instrument-maker at
Boston; and his grandfather, if I remember, or
great grand-father, had been *Knight for Hert-*
fordshire 30 years; this was his own expression.

On *Monday* and *Tuesday* the 12th and 13th of
March, execution was respited, 'tis said, on ac-
count of the tide not serving at the proper hour.
This awakened his own endeavours, and those of
several others, most of them without his know-
ledge, to save his life; but without success. He
received the Holy Communion in the afternoon
of the 13th, and having renewed his most serious
declarations of his innocence, he seem'd resigned
to his hard lot.

During the interval, short as it was, between
sentence and execution, attempts were made to
seduce him to what is call'd the *Catholick Reli-*
gion, and books put into his hands for that purpose,
even in our chapel; but when he open'd, and
read the title and the contents, he forthwith re-
turn'd them without farther notice.

He

He had also close application made to pervert him while sitting in the *Press-yard* by a young person about his own age, who seemed to give him much good and serious advice, telling him he had tried all religions, and found rest and satisfaction only in the *Roman Catholick-Church*: that by turning to that faith, he had disobliged all his friends and his father, who lived at *Bristol*, and kept an equipage; greatly extolled the piety, devotion, and strict fasting of the *Catholicks*. With such insinuations, true or false, he endeavoured to win over his attention and affections to his cause; in which the zeal of this emissary is remarkable: for this same person was before seen to watch his motions and the issue of his trial, and joined himself in conversation with a *New-England* capt. whom he observed to speak favourable of *Halsey's* cause, to whom he introduced himself by saying he believed *he was innocent*. This little anecdote came from the said captain, and the substance of it partly from *Halsey*, who rejected their assistance, telling them he knew nothing of their religion, that he was bred in the church of *England*, and would live and die in it.

The day before the execution, Mr. *E——ds*, visited him, and being sway'd by the appearance and strong assertions of his innocence, was so good as to interest himself, and take much pains to get him a respite. He gave the following account of the rise and progress of the prosecution.

That having been apprised of the ship's arrival, wherein his son died, and found her out
with

with some difficulty, going on board to enquire about his sons death and effects, he met *Thomas Sims* on the deck, and asked him some questions relating to his son, saying, he heard a report that he was ill used and beaten, and demanded if it was so? the boy, after some pause, answer'd no, *no more than is common aboard ships*. Whatever other questions he put to him about his son's death, Mr. *E*———*ds* acknowledges he return'd home satisfied in his own mind, that his son had no foul play; and without any thoughts of a prosecution. He farther says, he then gave *Tom Sims* a shilling, and bid him keep his son's old sea cloaths as being useles to him; and he observ'd that the cabin-boy, *William Mitchel*, was then present, heard these questions, and saw all that pass'd, but said nothing.

The next day Mr. *E*———*ds* sitting down to dinner, was called on by a stranger, one *W*———*n* a lumper; who renew'd this subject, saying there was much talk and noise about the unfair death of his son, &c. This not only spoil'd his dinner at present, but set him to examine the matter again, and made him restless 'till he carried on the prosecution, in which the two boys now mentioned were the principal witnesses. *Halsey* being ask'd if any difference had happened between him and this lumper; answered, that the owners having agreed with him to unload the ship at a certain rate, by the cask or hoghead, he would however, have his men paid odd half days, or by the day, which *Halsey* not complying with, he stirr'd up this prosecution against him.

As

As to the testimony of *Basaro* the *Italian* seaman, it is affirmed by some persons who heard it, that it differed much from itself before the justice, and on the trial. For that he never said before the justice that *Halsey* had struck *Davidson* with a mop, but only pushed him with a mop; and was very cautious in his evidence, not charging him with the hurting of *Davidson*. But in court he said much more, that he struck him three or four blows in the breast, with the head of the mop; that having his breeches about his legs, he fell down and was shoved off the quarter-deck with the mop by *Halsey*; and that he believed this striking, &c. to be the occasion of his death.

But in the first part of his evidence, he had owned *Halsey* behaved well to the men; and in the answers to his cross-examination, he owned, that *Davidson* being stript after his death, had no marks of blows on his breast.

Of this transaction, *Halsey* gave the following account, on the word of a dying man, that he had Capt. *Gallop's* orders to make the men come on deck daily and clean themselves; but this *Davidson* being called up for that purpose, was found very nasty and foul, and yet would stand stock still before the companion door, where the smell of him was very offensive; and being bid to go forward and clean himself, he would not budge; so *Halsey*, unwilling to touch his foulness with his hands, took the mop to push him away, but neither struck, nor hurt him with the mop.

But the worst and most dangerous part of *Mitchel's* evidence was, that *Halsey* had tied up
Davidson

Davidson to the shrouds, and whipp'd him severely the day before his death. Whereas, besides the improbability of his being able to hold him up in the air and tie him, single handed, he has most solemnly denied, that ever he tied him up to lick him in his life.

Halsey always insisted that had *Captain Gallop* lived, he had never been accused or imprisoned, because he knew his innocence and cou'd defend him. Being asked about this, he said *Gallop* was on deck well enough three weeks at one time, two weeks at another; and was able to come on deck most days during the voyage; as may appear by the affidavit of *Captain Boardman*, now in the hands of *Captain Gabil*) and particularly, that he read the burial office over one of the men that died, and himself over the other. He added, that *Captain Gallop*, was in no dangerous way, till some time after he arrived at *Plymouth*, and then being seized with a rupture, he died in the passage from thence to *London*, off *Portsmouth*. Now the argument drawn from thence is, that had he been guilty, or accused of two murders, when *Captain Gallop* arrived at *Plymouth*, he must have been there brought to justice. But as no hint was given, or step taken to this purpose there, it is interr'd he was neither thought guilty nor accused.

On the whole affair, a person of good credit, who knew the proceedings in this prosecution, from the apprehending to the execution, affirms, that *Halsey* in his defence, was ever consistent with himself, and said the same thing from first to last.

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The Morning of EXECUTION,

HE was visited by the ordinary, and received the Holy Communion with seriousness and devotion, his attention was once interrupted by the noise of the surrounding multitude waiting to see him brought out; insomuch that he said in the time of prayer; *Hear what a mob there is*, which was new and uncommon to him, being a stranger to this great city. To guard him against inattention or dismay on this account, in these his last moments of preparing for eternity, he was exhorted to set before him the lively example of a suffering saviour, whom he was now commemorating, whose inestimable pattern of sufferings is then most valuable and necessary when most wanted in the greatest distresses of life, or agonies of death. He promised therefore no more to regard these inconsiderable objects, but to employ himself in prayer, on his passage to the place of Execution.

For this purpose proper acts of resignation to the will of God, &c. were pointed out

to him, to be perused on the way to Execution, He was put in a cart between eight and nine in the morning, the deputy marshal and other proper officers of the Admiralty attending: one of whom carried the silver oar. After he had been carried part of the way, it was observed he had no book in his hand, having casually dropt it in the cart, on which another prayer-book was sent to him from the ordinary's coach. He sometimes used it, and appeared easy and unconcerned, the people passing no judgement on him as he was carrying along, but gazing at him with a silent suspence; the tender hearted women wringing their hands and shedding tears at seeing so comely and well-looking a young man doom'd to this shameful and untimely fate. Being carried through vast crouds all the way to that dock in *Wapping*, which has its name from being the usual place of execution, at low water mark, he was led on foot from the cart to the scaffold, built under the tree of death, for the convenience of standing to pray, and speak what he thought proper to the populace.

Now was the time and place if ever to expect the strictest truth from him. He was therefore asked if he had any thing to add to what he had said before? He said no, he had already told the whole truth relating to the
fact

fact he was to die for, and was as innocent of it as a babe. That he gave no correction or abuse to the men whose deaths he stood charged with, except what was moderate with a small rope's end; or a box on the ear; that when he did correct them, it was by the deceased Captain *Gallop's* order, who would have him correct them more, to oblige them to pump, but he refused it; and then the captain, in order to shame them to their duty, ordered his cabin boy, *William Mitchell*, to whip them, which he did. He declared his belief and opinion, that they died of distempers, (meaning the scurvy or dropsy, or both) their bodies being swell'd, and their legs broken out and burst.

He desired his fate might be a warning to all his brother officers on board, not to use any severity to seamen, in order to force them to pump or work the ship, if unwilling, lest they should fall into the like snare with him, and especially he warned seamen to be obedient to their officers, and orderly in all their behaviour; and he desired earnestly to exhort all his brother sailors of every rank and degree, to avoid the too prevailing deadly sins of their profession particularly common swearing, drunkenness and lewdness; the first of these he acknowledged he had been guilty of, but professed he had always lived a sober life.

He join'd in prayer most devoutly, for about half an hour, during which he repeated the articles of our Belief, and the Lord's prayer; profess'd his entire and humble resignation to the will of God, his hearty repentance for all his past sins, and to be in charity with all men; praying repeatedly that it may please God to forgive his enemies, persecutors, and slanderers, and to turn their hearts.

During our prayers, (in which he appeared to me rather dejected and overcome with sorrow, than dismay'd with fear) an unlucky accident, which sounded like the bursting of great guns very near us. interrupted our attention; it was the breaking down and fall of a long scaffolding, at the water's edge, which proved too weak for the numbers crowded upon it. This turned our eyes, as well as our prayers toward the safety and deliverance of those who fell; and, as the people reported, were either drowning or broken boned; but hearing of no remarkable hurt or damage done by the fall, he returned to his duty. In a short time after the Ordinary took his leave of him in a very tender manner, and his cap being pull'd over his face he continued calling *on the Lord to have mercy on his soul*, till the scaffold was removed from under him.

